

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leandre ADIFON, *et al.*
Serial No. 10/520,756
PCT Filed: July 18, 2002
§ 371(c) Date: July 13, 2005
Art Unit: 3654
Examiner: Eric E. PICO
Confirmation No.: 5071
Title: ROOFTOP CONTROL UNIT FOR AN ELEVATOR SYSTEM
HAVING A REMOVABLE COVER

REPLY BRIEF

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in reply to the Examiner's Answer mailed on March 18, 2009.

The Examiner's Answer overlooks at least two important points. First, the Examiner incorrectly states in paragraph 49 on page 15 that Appellant has not argued about the plurality of sidewalls being received against the side portions of the base. Appellant clearly did argue that feature and pointed out how the *Hakola* reference does not have that feature. See, for example, pages 6-9 of Appellant's opening brief. As pointed out there, the sidewalls 48 of the ceiling 49 never contact the side portions 26 of the top module 26 in the *Hakola* reference. Therefore, the Examiner's contention that the sidewalls and side portions that the Examiner finds in the *Hakola* reference are received against each other is not supported by the reference. There clearly is spacing between them because of the interposed steel rails 20 and floor 22.

On that basis, alone, there is no *prima facie* case of anticipation. Additionally, the Examiner's interpretation of the *Hakola* reference for purposes of making the rejections under 35 U.S.C. §103 is unreasonable.

Secondly, the Examiner attempts to separate the partially overlapping and surrounding features recited in Appellant's claims by ignoring one when discussing the other. As pointed out in Appellant's opening brief and as is clear from a plain reading of the claims, the claimed sidewalls and side portions surround each other and at least partially overlap each other. In order to do that, they have to at least partially coexist within a horizontal plane. Further, one of them has to have a position outside of the other in order to surround each other. The direct vertical alignment taught in the *Hakola* reference with vertical spacing between the sidewalls 48 and the side portions 26 does not allow for those components to surround and at least partially overlap each other. The proper interpretation of Appellant's claim language requires the sidewalls and side portions to be at least partially within the same horizontal plane, next to each other so that they are received against each other with one of them outside of the other. The *Hakola* reference does not have such an arrangement and, therefore, there is no *prima facie* case of anticipation or obviousness against any of Appellant's claims.

All rejections must be reversed.

Respectfully submitted,

CARLSON, GASKEY & OLDS



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Dated: May 8, 2009